

CHAPTER 81

WORKMEN'S COMPENSATION FOR SECOND INJURY

S. F. 102

AN ACT to amend the law as it appears in chapter seventy (70), code, 1939, and also sections one thousand three hundred ninety-two (1392) and one thousand three hundred ninety-seven (1397) relating to workmen's compensation so as to provide for the payment of compensation to certain employees for certain second injuries, to provide for a second injury fund and for the making of contributions thereto and providing for the administration of the act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This Act shall be known and referred to as the "Second
2 Injury Compensation Act".

1 SEC. 2. If an employee who has previously lost, or lost the use of, one
2 hand, one arm, one foot, one leg, or one eye, becomes permanently and
3 totally disabled by a compensable injury which has resulted in the loss
4 of or loss of use of another such member or organ, the employer shall
5 be liable only for the degree of disability which would have resulted
6 from the latter injury if there had been no preexisting disability. In
7 addition to such compensation, and after the expiration of the full
8 period provided by law for the payments thereof by the employer, the
9 employee shall be paid out of the "Second Injury Fund" created by this
10 Act the remainder of such compensation as would be payable for per-
11 manent total disability after first deducting from such remainder the
12 compensable value of the previously lost member or organ.

13 Any benefits received by any such employee, or to which he may be en-
14 titled, by reason of such increased disability from any state or federal
15 fund or agency, to which said employee has not directly contributed,
16 shall be regarded as a credit to any award made against said Second
17 Injury Fund as aforesaid.

1 SEC. 3. The employer, or, if insured, his insurance carrier in each
2 case of compensable injury causing death shall pay to the Treasurer of
3 State for the Second Injury Fund the sum of one hundred dollars
4 (\$100.00), said payment to be made at the time compensation pay-
5 ments are begun, or at the time the burial expenses are paid in a case
6 where there are no dependents; provided, however, that such payments
7 shall be required only in cases of injury resulting in death coming
8 within the purview of this chapter and occurring after the effective
9 date of this Act. These payments shall be in addition to any payments
10 of compensation to injured employees or their dependents, or of burial
11 expenses as provided in this chapter.

1 SEC. 4. When the total amount of such payments provided for in the
2 preceding section, together with accumulated interest thereon and
3 earnings, equals or exceeds fifty thousand dollars (\$50,000) no further
4 contributions to said Fund shall be required; but whenever, thereafter,
5 the amount of such sum shall be reduced below thirty thousand dollars
6 (\$30,000) by reason of payments made to employees pursuant to the
7 provisions of this Act, the said contributions shall be resumed forth-
8 with and shall continue until such sum, together with accumulated in-
9 terest and earnings, shall again amount to fifty thousand dollars

10 (\$50,000). The Industrial Commissioner shall promulgate rules and
11 regulations for the maintenance of the Second Injury Fund and the
12 making of contributions thereto, and shall determine when the con-
13 tributions shall be made to said Fund and when they shall be sus-
14 pended; and he is hereby empowered and authorized to enforce said
15 rules and regulations and the collection of said contributions.

16 Monies so collected shall constitute a "Second Injury Fund", in the
17 custody of the Treasurer of State, to be disbursed only for the purposes
18 stated in this Act, and shall not at any time be appropriated or diverted
19 to any other use or purpose. The Treasurer of State shall invest any
20 surplus monies thereof in securities which constitute legal investments
21 for state funds under the laws of this state, and may sell any of the
22 securities in which said Fund is invested, if necessary, for the proper
23 administration or in the best interests of said Fund. Disbursements
24 from such Fund shall be paid by the Treasurer of State only upon the
25 written order of the Industrial Commissioner. The Treasurer of State
26 as custodian of such Fund shall quarterly furnish to the Industrial
27 Commissioner a statement of the Fund, setting forth the balance of
28 monies in said Fund, the income of the Fund, specifying the source of
29 all income, the payments out of the Fund, specifying the various items
30 of such payments, and setting forth the balance of the Fund remaining
31 to its credit. Such statement shall be open to public inspection in the
32 office of the Industrial Commissioner.

1 SEC. 5. The Industrial Commissioner shall be charged with the con-
2 servation of the assets of the Second Injury Fund, and the collection
3 of contributions thereto. In furtherance of this purpose, the Attorney
4 General shall appoint a member of his staff to represent the Industrial
5 Commissioner and the Fund in all proceedings and matters arising
6 under this Act. In his award the Industrial Commissioner shall spe-
7 cifically find the amount the injured employee shall be paid weekly, the
8 number of weeks' compensation which shall be paid by the employer,
9 the date upon which payments out of the Fund shall begin, and, if
10 possible, the length of time such payments shall continue. The Indus-
11 trial Commissioner shall administer the provisions of this Act in con-
12 nection with and under the same procedure as other cases arising under
13 this chapter.

1 SEC. 6. The Industrial Commissioner, on behalf of the Second Injury
2 Fund created under the provisions of this Act, shall have a cause of
3 action under the provisions of section one thousand three hundred
4 eighty-two (1382) of this chapter to the same extent as an employer
5 against any person not in the same employment by reason of whose
6 negligence or wrong the subsequent injury of such previously disabled
7 person was caused. Any such action shall be brought by the Industrial
8 Commissioner on behalf of said Fund, and any recovery, less the neces-
9 sary and reasonable expenses incurred by the Industrial Commissioner,
10 shall be paid to the Treasurer of State and credited to said Fund.

1 SEC. 7. The Treasurer of State is hereby authorized to receive and
2 credit to said Fund any sum or sums that may at any time be con-
3 tributed to the state by the United States of America or any agency
4 thereof, under any act of Congress or otherwise, to which the state

5 may be or become entitled by reason of any payments made to any pre-
6 viously disabled person out of said Fund.

1 SEC. 8. That the law as it appears in subsection six (6) of section
2 one thousand three hundred ninety-two (1392), Code, 1939, is hereby
3 amended by striking from lines nine (9) and eighteen (18) of said
4 subsection, the words "state treasury" and by substituting in lieu
5 thereof the words "Second Injury Fund in the custody of the Treasurer
6 of State".

1 SEC. 9. That the law as it appears in subsection eight (8) of section
2 one thousand three hundred ninety-seven (1397), Code, 1939, be and
3 the same is hereby amended by adding thereto the following: "This
4 paragraph shall not apply to compensable injuries arising under the
5 Second Injury Compensation Act."

1 SEC. 10. This Act is and shall be amendatory of chapter seventy
2 (70), Code, 1939, and shall be inserted in said chapter and become a
3 part thereof.

Approved March 16, 1945.

CHAPTER 82

WORKMEN'S COMPENSATION

S. F. 114

AN ACT to amend sections fourteen hundred twenty-four (1424), fourteen hundred
twenty-five (1425), fourteen hundred thirty-seven (1437), fourteen hundred thirty-
eight (1438), fourteen hundred forty (1440), fourteen hundred forty-one (1441),
fourteen hundred forty-two (1442), fourteen hundred forty-three (1443), fourteen
hundred forty-four (1444), fourteen hundred forty-six (1446), fourteen hundred
forty-seven (1447), fourteen hundred sixty (1460) of the 1939 code of Iowa relat-
ing* workmen's compensation law of Iowa, providing for an additional deputy
industrial commissioner and prescribing the powers and duties of the industrial
commissioner, his deputies, and providing for procedure for hearings on appli-
cation for arbitration before the deputy industrial commissioners and boards
of arbitration.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section fourteen hundred twenty-four (1424), code
2 1939, is hereby amended by striking from line two (2) thereof the
3 word "deputy" and by inserting in lieu thereof the following:
4 "first and second deputy industrial commissioner"

5 Further amend this section by adding at the end thereof the fol-
6 lowing: "Wherever the term 'deputy industrial commissioner' is used
7 in this chapter it shall mean either the first or second deputy indus-
8 trial commissioner".

1 SEC. 2. Section fourteen hundred twenty-five (1425), code 1939,
2 is hereby amended by striking from line four (4) the word "deputy"
3 and by inserting in lieu thereof the word "deputies".

1 SEC. 3. Section fourteen hundred thirty-seven (1437), code 1939,
2 is hereby repealed and the following enacted in lieu thereof:

*According to enrolled act.